

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|----------------------------------|---|--------------------------|
| TRUSTEES OF THE NATIONAL |) | |
| ELEVATOR INDUSTRY PENSION |) | |
| FUND, |) | |
| |) | |
| PLAINTIFF, |) | |
| |) | |
| v. |) | CASE NO. 2:08-cv-162-MEF |
| |) | |
| DALLAS CAVINESS, D.C. c/o RHONDA |) | |
| CAVINESS, <i>et al.</i> , |) | |
| |) | |
| DEFENDANTS. |) | |

ORDER

Upon consideration of the Plaintiff's Motion to Dismiss from Interpleader (Doc. # 28), filed July 24, 2008, it is hereby

ORDERED that Plaintiff shall file additional briefing on the issue of whether it would be appropriate for this Court to dismiss Plaintiff from this action. Because Plaintiffs have an ongoing obligation of \$1,113.57 per month, the full amount in controversy has not been deposited with this Court. Accordingly, the Court requires additional briefing on whether it is appropriate for a court to dismiss a plaintiff from interpleader in a situation where the plaintiff has not deposited the full amount in controversy due to an ongoing obligation.

It is further ORDERED that Plaintiff shall file this brief discussed above on or before **August 14, 2008.**

DONE this the 7th day of August, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE